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Attorney's Docket No.: 13466-002013

3625  
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Box 36

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas G. Woolston  
Serial No. : 09/779,551  
Filed : February 9, 2001  
Title : FACILITATING ELECTRONIC COMMERCE THROUGH TWO-TIERED  
ELECTRONIC TRANSACTIONAL SYSTEM

Art Unit : 3625  
Examiner : F. Thompson, Jr.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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MAY 06 2004

**GROUP 3600**

INFORMATION DISCLOSURE STATEMENT AND  
NOTICE OF LITIGATION UNDER MPEP 2001.06(C)

Applicants call attention to the attached Information Disclosure Statement and documents listed on the attached form PTO-1449.

The examiner's attention is also drawn to documents A641-A667 which were filed in litigation between the assignee of the above-referenced application and eBay, Inc., in the case MercExchange L.L.C. v. eBay, Inc. et. al., Civil Action No. 2:01-CV-736, in the U.S. District Court for the Eastern District of Virginia, involving the assignee of the above-referenced application, and at least one patent that is a family member to the above-referenced application. Applicants make no representations herein regarding the materiality of the documents submitted herewith. Applicants are merely making these documents available to the Patent Office as a result of the contentions of the parties in the above-referenced litigation.

For the examiner's convenience, copies of the references listed on the attached form PTO-1449 are being provided on two compact discs filed herewith. Paper copies will be provided if requested by the examiner.

05/05/2004 MBLANCO 00000011 09779551

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 28, 2004

Date of Deposit

Signature

Jennifer H. Payne

Typed or Printed Name of Person Signing Certificate

Applicant : Thomas G. Woolston  
Serial No. : 09/779,551  
Filed : February 9, 2001  
Page : 2 of 2

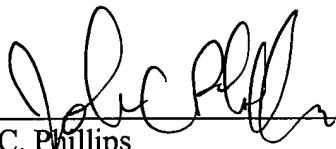
Attorney's Docket No.: 13466-002013

Consideration of the foregoing and enclosures plus the return of a copy of the enclosed form PTO-1449 with the Examiner's initials in the left column per MPEP 609 are earnestly solicited along with an early action on the merits.

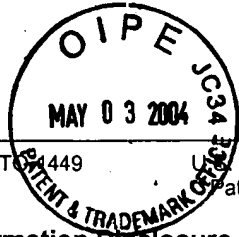
This statement is being filed after a first Office action on the merits, but before receipt of a final Office action or a Notice of Allowance. A check for \$180 in payment of the late submission fee of §1.17(p) is enclosed. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: April 28, 2004

  
\_\_\_\_\_  
John C. Phillips  
Reg. No. 35,322

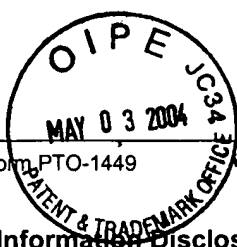
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Substitute Form PTO-1449 (Modified)  <b>Information Disclosure Statement          by Applicant</b> (Use several sheets if necessary)  (37 CFR §1.98(b))	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 13466-002013	Application No. 09/779,551
	Applicant Thomas G. Woolston		
	Filing Date February 9, 2001	Group Art Unit 3625	

U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	3,573,747	04/06/1971	Adams et al			
	AB	3,581,072	5/25/1971	Nymeyer			
	AC	4,247,759	1/27/1981	Yuris , et al.			
	AD	4,270,042	5/26/1981	Case			
	AE	4,305,059	12/08/1981	Benton			
	AF	4,346,442	8/24/1982	Musmanno			
	AG	4,449,186	5/15/1984	Kelly, et al.			
	AH	4,553,222	11/12/1985	Kurland, et al.			
	AI	4,674,044	6/16/1987	Kalmus et al.			
	AJ	4,677,552	6/30/1987	Sibley, Jr.			
	AK	4,734,858	03/29/1988	Schlaflly			
	AL	4,739,478	4/19/1988	Roberts et al.			
	AM	4,742,457	5/3/1988	Leon et al.			
	AN	4,751,640	6/14/1988	Lucas et al.			
	AO	4,755,940	07/05/1988	Brachtle et al			
	AP	4,775,935	10/04/1988	Yourick			
	AQ	4,789,928	12/6/1988	Fujisaki			
	AR	4,795,890	01/03/1989	Goldman			
	AS	4,799,156	1/17/1989	Shavit et al.			
	AT	4,812,628	03/14/1989	Boston et al			
	AU	4,823,265	4/18/1989	Nelson			
	AV	4,864,516	09/05/1989	Gaither et al			
	AW	4,876,648	10/24/1989	Lloyd			
	AX	4,885,685	12/5/1989	Wolfberg et al.			
	AY	4,887,208	12/12/1989	Schneider et al			
	AZ	4,903,201	2/20/1990	Wagner			
	AAA	4,910,676	3/20/1990	Allredge			

Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	



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U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	ABB	4,922,521	05/01/1990	Krikke et al			
	ACC	4,935,870	06/19/1990	Burk et al			
	ADD	4,947,028	08/07/1990	Gorog			
	AEE	4,977,595	12/11/1990	Ohta et al			
	AFF	4,982,346	01/01/1991	Girouard et al			
	AGG	4,992,940	2/12/1991	Dworkin			
	AHH	5,021,953	6/4/1991	Webber et al.			
	AII	5,060,153	10/22/1991	Nakagawa			
	AJJ	5,063,507	11/5/1991	Lindsey et al.			
	AKK	5,077,607	12/31/1991	Johnson et al			
	ALL	5,077,665	12/31/1991	Silverman et al.			
	AMM	5,101,353	3/31/1992	Lupien et al.			
	ANN	5,136,501	8/4/1992	Silverman et al.			
	AOO	5,168,446	12/1/1992	Wiseman			
	APP	5,191,613	3/2/1993	Graziano et al.			
	AQQ	5,193,056	3/9/1993	Boes			
	ARR	5,206,803	4/27/1993	Vitagliano et al.			
	ASS	5,220,501	06/15/1993	Lawlor et al			
	ATT	5,235,680	8/10/1993	Bijnagte			
	AUU	5,237,500	8/17/1993	Perg et al.			
	AVV	5,239,462	8/24/1993	Jones et al.			
	AWW	5,243,515	9/7/1993	Lee			
	AXX	5,247,575	09/23/1993	Sprague et al			
	AYY	5,258,908	11/2/1993	Hartheimer et al.			
	AZZ	5,262,942	11/16/1993	Earle			
	AAAA	5,280,305	01/18/1994	Monroe et al			
	ABBB	5,280,422	01/18/1994	Moe et al			

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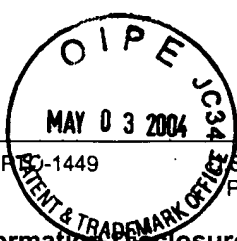
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Date Considered

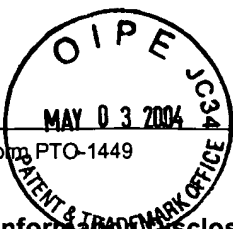
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	ACCC	5,283,731	2/1/1994	Lalonde et al.			
	ADDD	5,285,383	2/8/1994	Lindsey et al.			
	AEEE	5,297,031	03/22/1994	Guttermann et al			
	AFFF	5,297,032	03/22/1994	Trojan et al			
	AGGG	5,305,195	04/19/1994	Murphy			
	AHHH	5,305,200	4/19/1994	Hartheimer et al.			
	AIII	5,319,542	06/07/1994	King			
	AJJJ	5,323,315	6/21/1994	Highbloom			
	AKKK	5,325,297	6/28/1994	Bird et al.			
	ALLL	5,329,589	7/12/1994	Fraser et al.			
	AMMM	5,334,822	08/02/1994	Sanford			
	ANNN	5,335,170	08/02/1994	Petteruti et al			
	AOOO	5,336,870	08/09/1994	Hughes et al			
	APPP	5,341,429	08/23/1994	Stringer et al			
	AQQQ	5,345,091	09/06/1994	Craig et al			
	ARRR	5,347,306	9/13/1994	Nitta			
	ASSS	5,347,632	9/13/1994	Filepp et al.			
	ATTT	5,351,186	09/27/1994	Bullock et al			
	AUUU	5,351,293	09/27/1994	Michener et al			
	AVVV	5,375,055	12/20/1994	Togher , et al.			
	AWWW	5,383,113	01/17/1995	Kight et al			
	AXXX	5,394,324	2/28/1995	Clearwater			
	AYYY	5,402,336	08/02/1994	Spiegelhoff et al			
	AZZZ	5,414,833	05/09/1995	Hershey et al			
	AAAAA	5,424,944	6/13/1995	Kelly et al.			
	ABBBB	5,426,281	6/20/1995	Abecassis			
	ACCCC	5,428,778	06/27/1995	Brookes			

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U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	ADDDD	5,448,625	9/5/1995	Lederman			
	AEEEE	5,451,998	9/19/1995	Hamrick			
	AFFFF	5,453,926	09/26/1995	Stroshcin et al			
	AGGGG	5,465,291	11/7/1995	Barrus et al.			
	AHHHH	5,485,510	01/16/1996	Colbert			
	AIIII	5,521,815	05/28/1996	Rose			
	AJJJJ	5,526,479	6/11/1996	Barstow et al.			
	AKKKK	5,553,145	09/03/1995	Micali			
	ALLLL	5,557,518	9/17/1996	Rosen			
	AMMMM	5,557,728	09/17/1996	Garrett et al			
	ANNNN	5,561,707	10/1/1996	Katz			
	AOOOO	5,584,025	12/10/1996	Keithley et al.			
	APPPP	5,592,375	1/7/1997	Salmon et al.			
	AQQQQ	5,594,732	1/14/1997	Bell et al.			
	ARRRR	5,598,557	01/28/1997	Doner et al			
	ASSSS	5,611,051	03/11/1997	Pirelli			
	ATTTT	5,625,818	04/29/1997	Zarmer et al			
	AUUUU	5,625,823	4/29/1997	Debenedictis et al.			
	AVVVV	5,629,982	05/13/1997	Micali			
	AWWWW	5,630,125	05/13/1997	Zellweger			
	AXXXX	5,657,389	08/12/1997	Houvener			
	AYYYY	5,664,110	09/02/1997	Green et al			
	AZZZZ	5,664,111	9/2/1997	Nahan et al.			
	AAAAA	5,664,115	9/2/1997	Fraser			
	ABBBB	5,666,493	09/09/1997	Wojcik et al			
	ACCCC	5,689,652	11/18/1997	Lupien et al			
	ADDDDE	5,694,546	12/02/1997	Reisman			

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U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AE EEEE	5,694,551	12/02/1997	Doyle et al			
	AF FFFF	5,696,965	12/09/1997	Dedrick			
	AG GGGG	5,706,457	01/06/1998	Dwyer et al			
	AH HHHH	5,710,889	01/20/1998	Clark et al			
	AI IIII	5,715,314	2/3/1998	Payne et al.			
	AJ JJJJ	5,717,989	02/10/1998	Tozzoli et al			
	AK KKKK	5,724,521	3/3/1998	Dedrick			
	AL LLLL	5,727,165	03/10/1998	Ordish et al			
	AM MMMM	5,745,882	4/28/1998	Bixler et al.			
	AN NNNN	5,752,238	5/12/1998	Dedrick			
	AO OOOO	5,771,291	01/23/1998	Newton et al			
	AP PPPP	5,771,354	6/23/1998	Crawford			
	AQ QQQQ	5,771,380	06/23/1998	Tanaka et al			
	AR RRRR	5,774,873	06/30/1998	Berent et al			
	AS SSSS	5,778,367	07/07/1998	Wesinger et al			
	AT TTTT	5,794,207	8/11/1998	Walker et al.			
	AU UUUU	5,794,210	8/11/1998	Goldhaber et al.			
	AV VVVV	5,794,219	08/11/1998	Brown			
	AW WWWW	5,799,285	08/25/1999	Klingman			
	AX XXXX	5,803,500	09/08/1998	Mossberg			
	AY YYYY	5,809,144	09/15/1998	Sirbu et al			
	AZ ZZZZ	5,818,914	10/6/1998	Fujisaki			
	AA AAAA	5,826,244	10/20/1998	Huberman			
	AB BBBB	5,832,459	11/03/1998	Cameron et al			
	AC CCCCC	5,835,896	11/10/1998	Fisher et al			
	AD DDDDD	5,838,906	11/17/1998	Doyle et al.			
	AE EEEEE	5,842,040	11/24/1998	Hughes et al.			

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U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AAAAAA	5,845,265	12/1/1998	Woolston			
	BBBBBB	5,845,266	12/01/1998	Lupien et al			
	CCCCCC	5,850,442	12/15/1998	Muftic			
	DDDDDD	5,864,823	1/26/1999	Levitan			
	EEEEEE	5,870,552	2/9/1999	Dozier et al.			
	FFFFFF	5,870,717	2/9/1999	Wiecha			
	GGGGGG	5,872,848	02/16/1999	Romney et al			
	HHHHHH	5,873,069	02/16/1999	Reuhl et al			
	IIIIII	5,878,400	3/2/1999	Carter, III			
	JJJJJJ	5,878,423	3/2/1999	Anderson et al.			
	KKKKKK	5,884,056	03/16/1999	Steele			
	LLLLLL	5,890,138	3/30/1999	Godin et al.			
	MMMMMM	5,896,379	4/20/1999	Haber			
	NNNNNN	5,903,647	5/11/2019	Ronning			
	OOOOOO	5,905,974	05/18/1999	Fraser et al			
	PPPPPP	5,905,975	05/18/1999	Ausubel			
	QQQQQQ	5,915,209	6/22/1999	Lawrence			
	RRRRRR	5,922,074	07/13/1999	Richard et al			
	SSSSSS	5,926,794	07/20/1999	Fethe			
	TTTTTT	5,933,813	8/3/1999	Teicher et al.			
	UUUUUU	5,946,467	8/31/1999	Pathakis et al.			
	VVVVVV	5,987,425	11/16/1999	Hartman et al.			
	WWWWWW	5,991,739	11/23/1999	Cupps et al			
	XXXXXX	5,999,915	12/07/1999	Nahan et al			
	YYYYYY	6,006,201	12/21/1999	Berent et al			
	ZZZZZZ	6,029,141	2/22/2000	Bezos et al.			
	AAAAAA	6,049,785	04/11/2000	Gifford			

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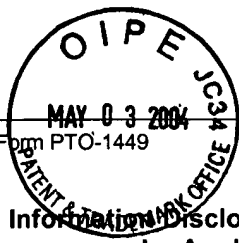
**Information Disclosure Statement  
by Applicant**  
(Use several sheets if necessary)

(37 CFR §1.98(b))

U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	GGGGGG	6,055,516	04/25/2000	Johnson et al			
	HHHHHH	6,055,573	4/25/2000	Gardenswartz et al.			
	AIIIIII	6,061,660	5/9/2000	Eggleston et al.			
	AJJJJJJ	6,185,683	2/6/2001	Ginter et al.			
	KKKKKK	6,202,051	03/13/2001	Woolston			
	ALLLLLL	6,205,432	3/20/2001	Gabbard et al.			
	MMMMMM	6,259,699	7/10/2001	Opalka et al.			
	NNNNNN	6,266,651	7/24/2001	Woolston			
	OOOOOO	6,272,474	8/7/2001	Garcia			
	APPPPPP	6,282,516	8/28/2001	Giuliani			
	QQQQQQ	6,292,786	9/18/2001	Deaton et al.			
	RRRRRR	6,336,105	1/1/2002	Conklin et al.			
	ASSSSSS	6,336,138	1/1/2002	Caswell et al.			
	ATTTTTT	6,377,937	4/23/2002	Paskowitz			
	UUUUUU	6,397,212	5/28/2002	Biffar			
	VVVVVV	6,415,270	7/2/2002	Rackson et al.			
	WWWWW	6,427,132	7/30/2002	Bowman-Amuah			

Foreign Patent Documents or Published Foreign Patent Applications								
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	XXXXXX	0542298 A2	05/19/1993	Europe				
	YYYYYY	2 658 635	8/23/1991	France				
	AZZZZZZ	2,102,606	02/02/1983	Great Britain				
	AAAAAA	9300266	9/1/1994	Netherlands				
	BBBBBB	WO 91/16691	10/31/1991	WIPO				
	CCCCCC	WO 92/15174	9/3/1992	WIPO				
	DDDDDD	WO 95/16971	06/22/1995	WIPO				

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### Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	EEEEEE	WO 96/34356	10/31/1996	WIPO				
	FFFFFF	WO 97/19415	5/29/1997	WIPO (3 parts)				
	GGGGGG	WO 97/37315	10/9/1997	WIPO				
	HHHHHH	WO 98/19259	5/7/1998	WIPO (2 parts)				
	IIIIIII	WO 98/35469	8/13/1998	WIPO (2 parts)				
	AJJJJJJ	WO 99/63461	12/09/1999	WIPO				
	KKKKKK	WO 99/06913	2/11/1999	WIPO				
	LLLLLL	WO 99/13417	3/18/1999	WIPO				
	MMMMM	WO 00/08578	2/17/2000	WIPO				
	NNNNNN	WO 00/17797	3/30/2000	WIPO				
	OOOOOO	WO 00/62231	10/19/2000	WIPO				

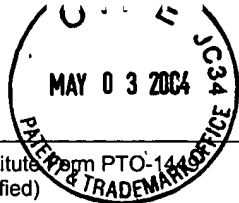
### Other Documents (include Author, Title, Date, and Place of Publication)

Examiner Initial	Desig. ID	Document
	APPPPPPP	"[ADS FOR ANTIQUE SHOWS]," <u>The Inside Collector</u> , October 1992, Vol.3, No.2
	QQQQQQQQ	"Acid Rain Auctions Is Successful," American Metal Market, Volume 103 No. 69, April 11, 1995
	RRRRRRRR	"Active Message Processing Messages as Messengers," (Illegible) Centre for Mathematics and Computer Science, Report CSR9035 August
	SSSSSSSS	"Ameritech Library Services Unveils Webpac at ALA," PR Newswire, June 27, 1995
	TTTTTTTT	"An Analysis and Recommendation for the Terms of the Reclaim Trading Credit," Report submitted to South Coast Air Quality Management District, Contract No. R-C93074, April 27, 1993
	JUUUUUUU	"Anonymous Delivery of Goods in Electric Commerce," <u>IBM Technical Disclosure Bulletin</u> , March 1996, Volume 39, No. 3, p. 363-364.
	VVVVVVVV	"Anonymous Delivery of Goods in Electronic Commerce (Continued)," <u>IBM Technical Disclosure Bulletin</u> , March 1996, Volume 39, No. 3, p.365-366
	WWWWWW	"AT&T PersonaLink Services to Use Intelligent Network Assistants," AT&T, January 6, 1994
	XXXXXXXX	"Bank Card Originated Messages – Interchange Message Specifications – Content for Financial Transaction," <u>International Standard</u> , 1987
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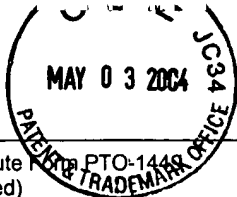
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	Applicant Thomas G. Woolston		
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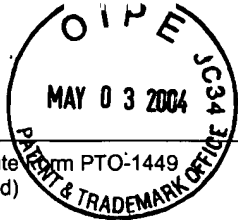
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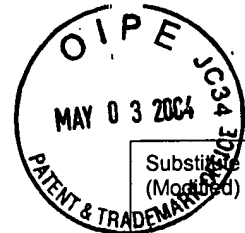
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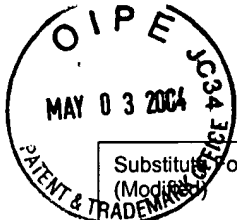
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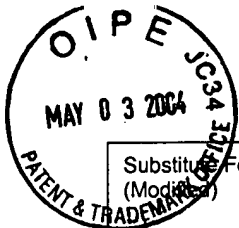


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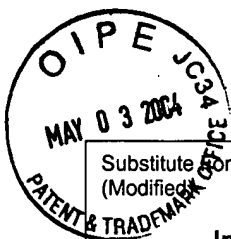




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		Filing Date <b>February 9, 2001</b>	Group Art Unit <b>3625</b>

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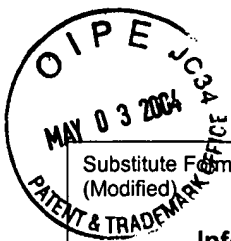


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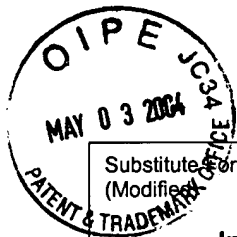
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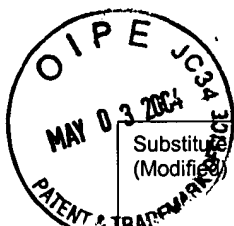
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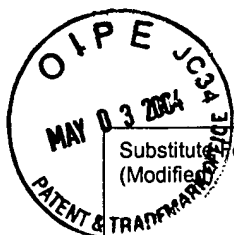
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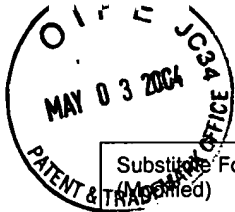
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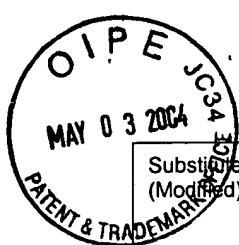




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		Filing Date February 9, 2001	Group Art Unit 3625

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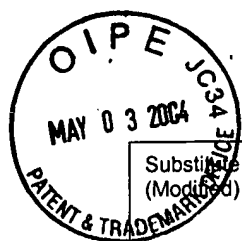
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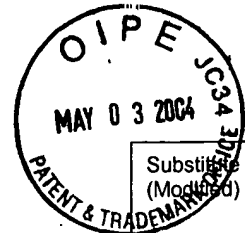


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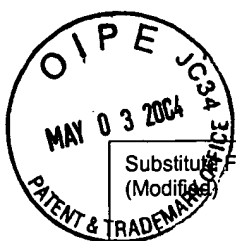
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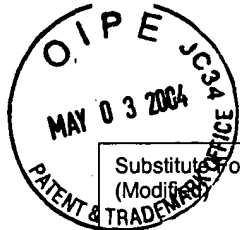
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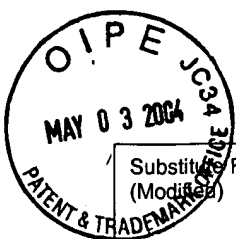
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	WWWWWW	"eBay Inc.'s Memorandum In Support Of eBay's Post-Markman Motion For Summary Judgment Of Noninfringement And Unenforceability Of U.S. Patent No. 6,202,051," ( <i>Filed Under Seal</i> ) by eBay November 15, 2002
	XXXXXXXX	"eBay Inc.'s Reply Memorandum In Support Of eBay's Post-Markman Motion For Summary Judgment Of Noninfringement And Unenforceability Of U.S. Patent No. 6,202,051," ( <i>Filed Under Seal</i> ) by eBay on December 13, 2002
	YYYYYYYY	KELLER, A.M., "Supplement Expert Report Of Dr. Arthur M. Keller addressing Invalidity in View of the Court's Markman and Summary Judgment Rulings, the Subsequent Opinions of Drs. Weaver & Palmer, and Noninfringement in the View of the court's Markman Ruling," filed by eBay on December 23, 2002
	ZZZZZZZZ	MALY, K., "Post-Markman Supplemental Expert Report of Kurt Maly Regarding Noninfringement and Invalidity of US Patent No. 6, 085,176," (Portions of this document have been redacted), filed by eBay on December 20, 2002
	AAAAAAAA	PLOTT, C. L., "Post-Markman Supplementation/Rebuttal of Charles L. Plott," filed by eBay on December 17, 2002
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	DDDDDDDD	WEAVER, A.C., "Rebuttal Expert Report of Alfred C. Weaver Regarding Allegations of Invalidity of U.S. Patent No. 6,202,051 and U.S. Patent No. 5,845,265," filed by MercExchange on June 28, 2002
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	FFFFFFFF	Clarification Order Denying eBay's Motion for Summary Judgment that Claims 12, 14, 15, 17, 18, 19, 20, 22, 24, 25, 26, 27, 30, 31, 32, 34, 35 of Patent '051 as well as the Joint Motion for Summary Judgment brought by the Defendants, that claims 1, 4, 5, 8, 10, 13, 115, 17, 20, 22, 23, 26 of Patent '265 are Invalid for lack of Novelty and Obviousness dated July 25, 2002
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	HHHHHHHH	DICKINSON, Q.T., "Rebuttal Expert Report of Q. Todd Dickinson," filed by MercExchange on June 28, 2002
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Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	



Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 13466-002013	Application No. 09/779,551
<b>Information Disclosure Statement by Applicant</b> (Use several sheets if necessary)  (37 CFR §1.98(b))		Applicant Thomas G. Woolston	
		Filing Date February 9, 2001	Group Art Unit 3625

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	KKKKKKKK	KELLER, A.M., "Expert Report of Arthur M. Keller," filed by eBay on June 9, 2002
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	PPPPPPPPP	SHAMOS, M.I., "Expert Report of Michael Ian Shamos Regarding Materiality of Prior Art References Not Disclosed by Patentee," filed by eBay on September 23, 2002
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Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	